

CITY OF MANCHESTER

PLANNING AND ZONING COMMISSION MEETING MINUTES APRIL 27, 2015

COMMISSIONERS

Jason Truesdell, Chairman (2018)
James Labit, Secretary (2016)
Joni Korte (2016)
Tom Brown (2017)
Jack Fluchel (2019)
Mark Smith (2018)
Dave Willson, Mayor

CITY OFFICIALS AND STAFF

Mike Clement, Alderman, Ex-Officio member
Kathy Arnett, Planning and Zoning Director
Melissa Barklage, Recording Secretary

CASES

REPRESENTATIVES OF CASES

- | | |
|---|---|
| <p>A. CASE #15-SUP-007 – A request for a Special Use Permit has been made by Michael Mueller of Civil Engineering Design Consultants, Inc., on behalf of Joey B's Restaurant, to operate a restaurant with cocktail lounge selling liquor by the drink for consumption on the premises at 14445 Manchester Road. The property is zoned C-1 Commercial District.</p> <p>B. CASE #15-SP-005 - A request for Site Plan Approval has been made by Michael Mueller of Civil Engineering Design Consultants, Inc., on behalf of Joey B's Restaurant, for the addition of a 3,600 square foot outdoor seating space and parking reconfiguration at 14445 Manchester Road. The property is zoned C-1 Commercial District.</p> | <ul style="list-style-type: none">• Mike Mueller <i>Civil Engineering Design Consultants, Inc.</i> 11402 Gravois Road, Ste 100 St. Louis, MO 63126 (314) 729-1400• Tom Niemeier <i>SPACE, LLC.</i> 4168 Manchester Road St. Louis, MO 63110 (314) 393-5880• Joseph Barcewski <i>Joey B's Food & Drink</i> 14445 Manchester Road Manchester, MO 63011 |
| <p>C. CASE #15-TXT-003 – Text amendments are proposed to Sections 405.060 & Article IV of the City's Zoning Code to modify the Definitions and the General Provisions.</p> | <ul style="list-style-type: none">• Kathy Arnett Planning and Zoning Director |

1. CALL TO ORDER

Chairman Truesdell called the Planning and Zoning meeting of April 27, 2015 to order at 7:01 p.m.

2. ROLL CALL

Chairman Truesdell asked the Recording Secretary to take roll.

| | | | |
|------------------------------------|---------|----------------------------------|---------|
| Commissioner/Secretary James Labit | Present | Chairman Jason Truesdell | Present |
| Commissioner Jack Fluchel | Excused | Commissioner Mark Smith | Present |
| Commissioner Joni Korte | Present | Alderman Mike Clement | Present |
| Commissioner Tom Brown | Present | Director Kathy Arnett | Present |
| Mayor David Willson | Present | Melissa Barklage, Recording Secy | Present |

3. APPROVAL OF MINUTES

Mayor Willson made the motion to approve the minutes of April 13, 2015. Motion seconded by Commissioner Korte; motion approved by voice vote. The vote taken was recorded as follows:

| | | | |
|------|------|-------------|---------|
| Ayes | Nays | Abstentions | Excused |
| 6 | 0 | 0 | 1 |

4. APPROVAL OF AGENDA

Chairman Truesdell asked if there were any changes to the agenda. Commissioner Labit proposed that the Commission consider the first and second case at the same time. Mayor Willson made the motion to approve the agenda with the amendment. Commissioner Labit seconded; motion approved by voice vote. The vote taken was recorded as follows:

| | | | |
|------|------|-------------|---------|
| Ayes | Nays | Abstentions | Excused |
| 6 | 0 | 0 | 1 |

5. OLD BUSINESS

A. No Old Business

6. NEW BUSINESS

A. **CASE #15-SUP-007** – A request for a Special Use Permit has been made by Michael Mueller of Civil Engineering Design Consultants, Inc., on behalf of Joey B's Restaurant, to operate a restaurant with cocktail lounge selling liquor by the drink for consumption on the premises at 14445 Manchester Road. The property is zoned C-1 Commercial District.

B. **CASE #15-SP-005** - A request for Site Plan Approval has been made by Michael Mueller of Civil Engineering Design Consultants, Inc., on behalf of Joey B's Restaurant, for the addition of a 3,600 square foot outdoor seating space and parking reconfiguration at 14445 Manchester Road. The property is zoned C-1 Commercial District.

Speaking for the cases this evening is Mr. Mike Mueller of Civil Engineering Design Consultants, Inc. presenting for Joey B's restaurant. The existing site has a 5,500 sq ft building. The building will remain and be remodeled. There are currently four entrances to the site. Two entrances are on Manchester Road. One is on School Street and the other entrance is on Andersohn. The west entrance on Manchester Road has been proposed to be removed. The east entrance is currently about 60 to 65 feet wide. The east entrance will be reduced down to a right in and right out only. The entrances on School St and Andersohn will remain. In the front of the existing building there are some odd islands that will be removed. There will be regrading completed in front of the building. A drive lane will be added in front of the patio. There has also been a proposed increase of greenspace in front of the building. The required parking spaces for the building and outdoor seating area is 90 parking spaces. The site plan has 112 parking spaces. Mr. Mueller also described the layout of the outdoor patio seating. There is planned to be semi-private booths in the front patio seating area. They plan to include a couple of fire pits on the open patio area and to the side will be a bar area. The restaurant's hours of operation will be Monday through Saturday 11 am to 1:30 am, Sunday 11am to midnight. Mr. Mueller also introduced that with him today was Mr. Todd Niemeyer of SPACE architecture and the owners of Joey B's as well.

Director Arnett started by saying all restaurants in the C-1 Commercial District require a Special Use Permit. Even if they were not doing alcohol sales a Special Use Permit would be required. However, the second type of restaurant under the Special Use requirement is a restaurant with cocktail lounge which is the type of Special Use Permit the petitioner is seeking. The property has been vacant since 2005 when Chili's moved out. It had been a Black Eyed Pea previously before Chili's. The main reasons for the site plan request tonight are that there will be changes to the parking area and an

addition of a 3,600 sq ft addition of an outdoor seating patio. The site plan shows the patio appears to seat about 100 persons. On the patio will also be a full-service bar. There will be a reconfiguration of the parking to the front of the building. The petitioner will patch, re-seal, and restripe the west and east side parking areas to improve the look of these areas but they will keep the current configuration. With the closing of the second entrance in the front, the petitioner will gain more parking and more greenspace. It is important to note that on the site plan provided to the Commission the front entrance from Manchester Road shows a left turn out, but that entrance will only be a right in and right out. This was discussed with Mr. Mueller, noting the left out will not be allowed at the front entrance as the median that MODOT required for the Culver's project will obstruct a left turn out of this property. Some have noted that there is a pooling of water in front of the former Chilli's building on this property. When Black Eyed Pea originally went in there was a Fox Photo Booth in the front of the property that prevented them from properly grading for drainage. With that building now removed, the petitioner will be able to correctly grade the front of the property. The stormwater issues will also be corrected with the addition of two concrete flumes to channel the water to the basins on the east and west side of the property near Manchester Road. The Department is in support of both the favorable recommendation of the Special Use Permit and approval of the site plan. The proposal meets all current codes and requirements of the Special Use Permit.

Commissioner Labit asked where the concrete flumes would be emptying. Mr. Mueller stated that there are drainage basins at the southeast and southwest corners of the property in the Manchester Road right-of-way. Commissioner Labit asked the petitioner if they had any concerns about the patio being out near Manchester Road, relative to noise or other nuisances. Mr. Tom Niemeyer stated that early in the project they did consider putting the patio on the side, but doing so would constrict the flow of traffic around the site. The petitioner found that putting the patio in front of the building made it look more attractive. There will be private booths closest to Manchester Road that will be oriented away from the street. Their intention was to keep the patio open enough that you can see activity on the patio but enclosed enough to give people a sense of enclosure from the road.

Commissioner Korte asked the petitioner if they had already been through approval with MoDOT and MSD. Mr. Mueller stated that City of Manchester was the first step. Once they receive approval through Manchester they will be submitting to MODOT and MSD. Commissioner Korte also asked what the 100 year flood elevation is. Mr. Mueller stated it is 518.

Commissioner Brown asked how soon it will take to begin construction. Mr. Mueller answered that as soon as all permits are in place they wish to begin construction. Mr. Joey Barcewskistated that they hope to start construction in June 2015.

Commissioner Smith asked if a special permit would be needed for the awnings on the patio. Director Arnett answered that the building permit for the entire project will need to include the proposed awnings as well. Commissioner Smith asked about a monument sign that appeared to be 15 feet wide on the site plan. Director Arnett stated that in the C-1 Commercial District the front yard setback is 30 feet. The current location of the monument sign shown on the site plan will have to go before the Board of Adjustment for a variance request. In addition to getting a variance to place the sign within the 30 foot setback the sign would need to be changed to be oriented as perpendicular to Manchester Road. The petitioner also has the option of changing out the pylon sign that exists.

Alderman Clement asked what types of landscaping they planned to use around the property. Mr. Mueller stated that the landscape architect was not with them this evening. Alderman Clement cautioned the petitioner about using Ash trees as St. Louis County has had an outbreak of the Emerald Ash Borer that has killed trees all over the area. Alderman Clement also asked if the employees for the restaurant will all come from their existing restaurants or if they would be new hires from the area. The owner, Mr. Barcewski, stated that a small portion of the staff for this restaurant would come from their existing restaurants but they plan to have a job fair and hire many new employees.

Chairman Truesdell asked Mr. Barcewski how many locations they have. Mr. Barcewski stated that this would be the fourth Joey B's location in the St. Louis area. He stated that they are for the most part family friendly restaurants. One location in downtown St. Louis is more of a party bar atmosphere for pre- and post- game events. The name of this location in Manchester will be Joey B's Food and Drink.

Other locations include Joey B's on the Hill and Joey B's in Concord Plaza which was established in May of 2011. Chairman Truesdell asked again what their hours of operation would be. Mr. Barcewski answered that Joey B's Food and Drink would be open Monday through Saturday 11 am to 1:30 am and Sunday 11am to midnight.

Commissioner Labit made the motion to make a favorable recommendation to the Board of Alderman on CASE #15-SUP-007. Commissioner Smith seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

| | | | |
|------|------|-------------|---------|
| Ayes | Nays | Abstentions | Excused |
| 6 | 0 | 0 | 1 |

Commissioner Labit made the motion to approve the site plan as presented on CASE #15-SP-005. Commissioner Korte seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

| | | | |
|------|------|-------------|---------|
| Ayes | Nays | Abstentions | Excused |
| 6 | 0 | 0 | 1 |

C. CASE #15-TXT-003 – Text amendments are proposed to Sections 405.060 & Article IV of the City's Zoning Code to modify the Definitions and the General Provisions.

Director Arnett gave the staff report on the proposed text amendments. The first is a change in the definition that came from the State's definition of a group home. This definition is required in any zoning code per state legislation. The current language in the City's code is out of date. The general context of the definition remains unchanged, there are just minor wording modifications. The second text amendment is for the addition of the sight distance triangle to the Zoning Code. The sight distance triangle is determined by the extension of two intersecting streets and then drawing a line 30 feet back and connecting those. We want to add this to the Zoning Code in all District to keep drivers and non-vehicular traffic safe, but also so that code enforcement is able to address landscaping on corner lots that is impeding the view for drivers. The text amendment is the addition of the definition of a sight distance triangle and then an addition to Article 4 of the General Provisions that states what can or cannot be in the sight distance triangle.

Commissioner Labit asked if there should be changes to the definition of a group home and if it should be separate from the definition of a family. He also stated that he had concerns about whether this definition would abdicate what the subdivision's indentures are.

Director Arnett explained that the City's Code and subdivision's indentures are independent. The subdivision's indentures may not be less restrictive than the City's Code. If the subdivision is more restrictive the City will not be responsible for enforcing the subdivision's indentures. Group homes are allowed by State statute so the City must include this definition in the code. If there is a property maintenance issue or a health and safety issue with a particular property, those are things that we would take up based on the City codes they apply to but not on the basis alone of being a group home.

Commissioner Smith asked if the property line and right-of-way line would typically be the same. Director Arnett agreed they would. Commissioner Smith then asked if there would be a restriction within the right-of-way itself. Director Arnett stated that whatever is in the right-of-way remains removable by the City since it is public property.

Alderman Clement asked if the change to the City code with the sight distance triangle would allow the City opportunity to require the property owner to take down items in the triangle or would these properties be grandfathered. Director Arnett stated that properties would not be grandfathered in. The City may decide to give some allowance or consideration to certain properties but because it is a safety issue most properties would not be seen as a legally non-conforming.

Commissioner Smith made the motion to make a favorable recommendation to the Board of Aldermen on CASE #15-TXT-003. Commissioner Labit seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

| | | | |
|------------------------------------|-----------|--------------------------|-----|
| Commissioner/Secretary James Labit | Aye | Mayor David Willson | Aye |
| Commissioner Jack Fluchel | Excused | Chairman Jason Truesdell | Aye |
| Commissioner Joni Korte | Aye | Commissioner Mark Smith | Aye |
| Commissioner Tom Brown | Abstained | | |

| | | | |
|------|------|-------------|---------|
| Ayes | Nays | Abstentions | Excused |
| 5 | 0 | 1 | 1 |

7. PLANNING AND ZONING DIRECTOR'S REPORT

Director Arnett reported that she spoke with Hutkin Development and CDOne Price Cleaners are still coming in to the Baxter Shops. The Fruit Stand was able to take over possession of the building and they are now open. Sincerely Yours Bridal opened last week.

Chairman Truesdell asked if there was any new developments with Fifth Third Bank because it appears the sign on the property came down. Director Arnett stated she was not aware of any new developments. Chairman Truesdell then asked about Naan & Kabob. Director Arnett stated that there is a Special Use Permit Transfer from Naan and Kabob to a restaurant called Flames that will be operated by the building owner. Naan & Kabob was issued a citation for operating without a business license and with the Transfer of the Special Use Permit completed, they can no longer operate.

8. EX-OFFICIO'S REPORT

Alderman Clement reported that the Board of Alderman had a Public Hearing for Darby Designs and had the first reading for the Special Use Permit.

9. COMMENTS FROM THE PLANNING AND ZONING COMMISSION

10. ADJOURNMENT

Commissioner Korte made the motion to adjourn the Planning and Zoning Commission meeting of April 27, 2015 at 7:53 p.m. Motion seconded by Commissioner Labit; motion approved by voice vote. The vote taken was recorded as follows:

| | | | |
|------|------|-------------|---------|
| Ayes | Nays | Abstentions | Excused |
| 6 | 0 | 0 | 1 |

Respectfully submitted by:
Melissa Barklage, Recording Secretary

#